



LIPSIUS -BENHAIM
LAW, LLP

80-02 Kew Gardens Road
Kew Gardens, NY 11415
212.981.8440
Facsimile 888-442-0284
www.lipsiuslaw.com

DAVID BENHAIM
Direct Line: 212-981-8446
Email: dbenhaim@lipsiuslaw.com

March 5, 2012

Honorable Lois Bloom
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Wrubel v. John Hancock
Docket No. 11-cv-01873 (WF)(LB)

Dear Judge Bloom:

We represent the plaintiff in the above-referenced matter. We write in response to that portion of the letter by counsel for John Hancock dated March 2, 2012 which seeks an order to compel compliance by Herman Jacobowitz to a subpoena served by John Hancock. The letter is misleading when it states, "We have attempted to contact counsel every day this week concerning the scheduling of Mr. Jacobowitz's production of documents and deposition. Counsel, however, has not responded to our requests" in that it suggests that I have been ignoring John Hancock's "attempts" to contact me.

I have, in fact, spoken to counsel for John Hancock on Monday, February 27, 2012 and advised that Mr. Jacobowitz will not be appearing on March 1, 2012 for his deposition but very much wants to present his testimony at a mutually convenient date and time. In fact, when I met John Hancock's counsel on February 23, 2012, I proposed having Mr. Jacobowitz deposed first. I further emailed counsel on Wednesday, February 29, 2012 and advised counsel that "I will provide you with alternate dates as soon as I have them."

While I have been unable to reach Mr. Jacobowitz since February 23, 2012 in order to schedule an alternate response date, John Hancock's counsel's suggestion that I have not responded to attempts to contact me is misleading.

Very truly yours,

LIPSIUS-BENHAIM LAW, LLP

David BenHaim